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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/824,305	04/02/2001	Umesh Mahajan	21710-67784	9391
28062 7590 09/19/2007 BUCKLEY, MASCHOFF & TALWALKAR LLC 50 LOCUST AVENUE NEW CANAAN, CT 06840			EXAMINER GREIMEL, JOCELYN	
			ART UNIT 3693	PAPER NUMBER
			MAIL DATE 09/19/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 09/824,305	Applicant(s) MAHAJAN ET AL.	
	Examiner Jocelyn Greimel	Art Unit 3693	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 June 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 8, 20, 26, 28-30, 32 and 33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 8, 20, 26, 28-30 and 32-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This communication is in response to Applicant's Arguments and Remarks filed 29 June 2007.

Status of Claims

Claims 8, 20, 26, 28-30 and 32-33 are currently pending. Claims 8 and 20 are independent claims.

Response to Arguments

Applicant's arguments filed 29 June 2007 have been fully considered but they are not persuasive. Applicant's argue: Buist and Kemp alone or in combination do not teach:

an intermediate component layer for supplying information
to the workspace and transferring information from the interface...
wherein the intermediate layer has components that provide
information concerning financial instruments and another
component that stores user preferences
as recited in the claims.

Response: The Examiner is entitled to give the claim limitations their broadest reasonable interpretation in light of the Specification (see below):

Claim Interpretation; Broadest Reasonable Interpretation:

<CLAIMS MUST BE GIVEN THEIR BROADEST REASONABLE INTERPRETATION

During patent examination, the pending claims must be "given the broadest reasonable interpretation consistent with the specification." Applicant always has the opportunity to amend the claims during prosecution and broad interpretation by the examiner reduces the possibility that the claim, once issued, will be interpreted more broadly than is justified. In re Prater, 162 USPQ 541, 550-51 (CCPA 1969).>

Buist discloses a system for executing and processing financial instrument transactions (please see evaluation detailed below). Specifically, Buist discloses the system to include a highly-efficient workspace for the user, which includes various components that supply information to the system and transfer that information back out of the system (i.e.: supports trading of securities over the Internet, abstract). The system has sub-interfaces for order entry, order modification, order monitoring, instrument monitoring and market monitoring. Please note, the Examiner is using the terms "components" and "sub-interfaces" as used by the Applicant but gives the terms the broadest reasonable interpretation consistent with the specification. Buist uses the terms "servers" and "systems", which effectuate Applicant's claimed steps. Buist has several components, which are intermediate (or within the system). Although, the semantics may not mirror each other, the system of Buist combined with Kemp teach Applicant's claims. Buist has several areas where the user can access a "cache of information concerning financial instruments", for example real time quotes and store user preferences, for example trades (these "sub-interfaces" are interfaces or pages of

the website that can be accessed from other pages). The Examiner uses Kemp to reinforce and explicitly show how an intermediate layer (or part of the system) can access information about financial instruments ("the user will want to be able to see the inside market to access future trades, col.9) and store user preferences ("a trader would first designate the desired quantity and, if applicable, the default quantities").

Conclusion: Under their broadest reasonable interpretation in light of the Specification, the claims are taught by Buist and Kemp. Buist discloses a workspace as detailed by Applicant's claims. Kemp is used to show that one of those parts of the system can do the two aspects of the intermediate component.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.

4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 8, 20, 26, 28-30 and 32-33 rejected under 35 U.S.C. 103(a) as being unpatentable over Buist (U.S. Patent No. 6,408,282) in view of Kemp, II et al (US Patent No. 6,766,304 B2, hereinafter Kemp). In reference to claims 8 and 20, Buist discloses a method, system and apparatus for processing financial transactions comprising:

- a. A presentation layer further comprising a workspace,
 - i. wherein the workspace further comprises at least one sub interface, which sub interface is selected from the group comprising an order entry interface, an order modification interface, an order monitoring interface, an instrument monitoring interface, and a market monitoring interface (col. 2, line 60+; col. 3, line 8+; col. 11, line 15+);

Buist does not disclose the method, system and apparatus wherein:

- b. At least one intermediate component layer for supplying information to the workspace and transferring information from the interface,
 - ii. wherein said intermediate component layer is comprised of a plurality of intermediate components selected from a predetermined group of intermediate components, wherein said selection occurs at least in part based upon the sub interface or sub interfaces chosen;

(1) and said intermediate components of which said intermediate layer is comprised including:

(a) a first intermediate component that provides a cache for information concerning financial instruments; and

(b) a second intermediate component that stores user preferences for the workspace; and

c. At least one information source layer for supplying information to said intermediate component and transferring information from said intermediate component.

However, Kemp discloses the method, system and apparatus above (figures 3-4 and col. 9). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to modify the financial processing system of Buist with the intermediate component layer and information source layer of Kemp because it would allow the user more flexibility in making financial transactions.

3. In reference to claims 26, 28-30 and 32-33, Buist discloses a method, system and apparatus for processing financial transactions comprising:

d. A method and apparatus wherein the sub interface further comprises a window (col. 9, line 10+ - col. 26; *Buist discloses the user navigating through various windows to execute the system applications.*)

- e. An apparatus wherein the workspace is user configurable (col. 8, line 48+; *The servers interact with the user workstations and store information relating to the users' accounts and portfolios as well as other data. This information is updated. The function buttons can be used to customize the GUI.*);
- f. An apparatus wherein said workspace has a default configuration (col. 11 – 12);
- g. A method wherein the method further comprises the step of trading a financial instrument through said user interface (col. 2, line 60+; *The system and method... supports trading of securities over the Internet...*);
- h. A method wherein the step of trading financial instruments through said user interface further comprises trading the instrument through aggregate pricing of the instrument (col. 9, line 10 – col. 13, line 13; *The columns discuss the trading of securities and the pricing.*)

Conclusion

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

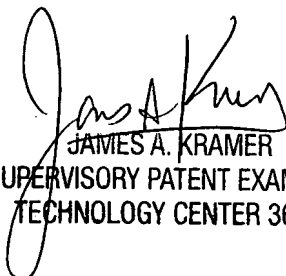
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jocelyn Greimel whose telephone number is (571) 272-3734. The examiner can normally be reached on Monday - Friday 8:30 AM - 4:30 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Kramer can be reached on (571) 272-6783. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3693

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Jocelyn Greimel
Examiner, Art Unit 3693
September 15, 2007


JAMES A. KRAMER
SUPERVISORY PATENT EXAMINER
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9-17-07